

### **REMARKS**

This Amendment is being filed in response to an Office Action dated May 17, 2005. Claims 1-2 are pending in this application, all of which stand rejected. Claim 1 is independent. By this Amendment, claim 1 has been amended, and FIG. 19 has been amended to remove reference character 252, which is shown as incorrectly pointing to the base, rather than the foot, which is properly illustrated in FIG. 20. No new matter has been added. Applicants respectfully maintain that the amendment has been made without prejudice in order to expedite prosecution. Accordingly, claims 1-2 remain pending in this application, and Applicants respectfully maintain that this application is in condition for allowance.

### **Brief Remarks Regarding The Invention**

Prior to addressing the rejections discussed in the Office Action, Applicants take this opportunity to set forth the following brief remarks in connection with their invention, which is directed to a lock for use with a cage, such as an animal cage.

One objective of the invention is to provide a cage lock that is relatively easily maneuverable. By providing a lock that can be locked simply by closing the cage top down onto the cage body, the invention provides an easily lockable cage lock. The invention also provides relatively easy unlocking of the lock by providing a shoulder that abuts a supporting surface of the cage top, such as the top of the cage top or a similar surface parallel to the cage top. The invention further provides a displaceable latch

having a tab and a foot. Preferably, as illustrated in FIG. 20, a base is secured to the cage top and is integrally attached to the latch. The tab is substantially parallel to the foot, and the latch is arranged at a positive angle from the tab and foot. Accordingly, by displacing the latch away from the cage, for example, by asserting a force on the tab toward the shoulder, the tab forces the latch to deform and become displaced away from the base. Consequently, the foot is displaced away from the cage and from under the peripheral lip of the cage bottom. Therefore, the cage top can be lifted away from the cage bottom without hindrance from the foot.

**Rejection Under 35 U.S.C. §103**

Claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,640,228 to Sedlacek (Sedlacek) in view of U.S. Patent No. 3,544,146 to Asenbauer (Asenbauer). The Examiner asserts that Sedlacek discloses a filter top for a cage and Asenbauer discloses a lock having a base, releasable latch, a foot and shoulder members.

Applicants respectfully submit that Sedlacek in view of Asenbauer fail to disclose or suggest the invention as claimed. For example, Sedlacek fails to teach or suggest a lock and Asenbauer fails to teach or suggest a lock having latch having a tab and a foot, wherein the tab and the foot are substantially parallel and the latch is displaced away from a base that is integrally attached to the latch.

Applicants respectfully submit that Asenbauer discloses that the lock of Asenbauer does not deform, but remains stiff. Rather, it is the cage lid itself that deforms

when being removed from the cage bottom. As Asenbauer states, “[t]he lid clip is very rigid so that the necessary flexing, which is required to engage and release the clip from the shoulder of the box, occurs within the lid, rather than within the structure of the lid clip.” (Col. 1, lines 34-37). In contrast, the invention as claimed requires a latch that is displaced away from the base when unlocking the cage top from the cage bottom.

Accordingly, because the latch and base are integrally attached, the latch flexes away from the base. At least because Asenbauer’s stresses the importance of flexing the lid itself and not the lock and Asenbauer’s lock would not work on a rigid, inflexible cage top, it would not have been obvious to a person of ordinary skill in the art to modify Asenbauer to provide a latch that is displaceable from a base as provided in the invention as claimed.

Furthermore, Applicants respectfully submit that Asenbauer is directed to a lock having a releasing member that is at an angle with the foot member, more specifically, “V-shaped” (Col. 2, line 16). As shown and described in Asenbauer, the releasing member is at an acute angle with the base which is connected to the foot member, creating the V shape, both of which are displaced when the releasing member is pulled toward the foot member and subsequently away from the cage. If Asenbauer was modified to provide a latch that is displaced away from an integrally attached base, the continued use of the modified lock having this angular arrangement would likely result in the releasing member breaking off. Therefore, such a modification would not have been obvious, because it would render the Asenbauer lock undesirable. Furthermore, this

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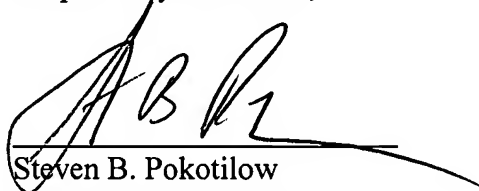
shortcoming is avoided in the invention, which does not include a V shape, and in contrast, provides a parallel tab and foot.

For at least the foregoing reasons, Applicants respectfully submit that the invention as claimed is not rendered obvious in light of Sedlacek in view of Asenbauer, and accordingly, respectfully request that the rejection of claims 1-2 be withdrawn.

Applicants respectfully submit that all outstanding rejections have been addressed and are now either overcome or moot. Favorable consideration and prompt allowance of this application is respectfully requested. In the event that there are any questions, or should additional information be required, please do not hesitate to contact Applicants' attorney at the number listed below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, the Examiner is hereby authorized to charge the amount of such fee to Deposit Account No. 19-4709.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S B Pokotilow', is written over a horizontal line.

Steven B. Pokotilow  
Registration No. 26,405  
Attorney for Applicants  
Stroock & Stroock & Lavan LLP  
180 Maiden Lane  
New York, New York 10038  
212-806-5400

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**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawings includes a change to FIG. 19, in which reference character 252 was removed. This sheet, which includes FIGS. 17-20, replaces the original sheet including FIGS. 17-20.

Attachment: Replacement Sheet